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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,063	03/23/2006	Kim Hansen	US030343US	6663

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EXAMINER

PHAN, JOSEPH T

ART UNIT	PAPER NUMBER
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2614

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/573,063	Applicant(s) HANSEN ET AL.	
	Examiner JOSEPH T. PHAN	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 lines 7-8 recites “...*from the alarm interface, to contact a local emergency center...*” which is unclear and confusing as it is not known if the ‘device, controller, or monitoring center’ contacts the local emergency center due to grammatical issues which makes the claim unclear and therefore indefinite. Appropriate clarification and/or correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-3, 5-11, and 13-20 rejected under 35 U.S.C. 102(e) as being anticipated by**

Fu et al., Pub. No. US 2002/0169584 A1.

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Regarding claim 1, Fu teaches a device(Fig.1) comprising:
a controller(30-40 Fig.1);
a communication interface coupled to the controller(30-35 Fig.1 and para 0028);
an alarm interface coupled to the controller(25-35 Fig.1); and
a storage unit including at least one message(50 Fig.1),
wherein the controller is arranged to contact a monitoring center(40 Fig.1) via the
communication interface upon detection of an alarm condition from the alarm interface, to
contact a local emergency center(para 0029; 911) upon receiving a command from the
monitoring center and transmit the at least one message(para 0029).

Regarding claim 2, Fu teaches the device according to Claim 1 wherein the
communication interface is a telephone network interface(35 Fig.1 and para 0027; cell phone is a
telephone).

Regarding claim 3, Fu teaches the device according to Claim 2 wherein the local
emergency center is a public safety answering point(para 0029; 911 or doctor are public safety
points).

Regarding claim 5, Fu teaches the device according to Claim 1 further comprising a
speech recognition unit for determining that the command has been spoken by an operator at the
monitoring center(para 0029).

Regarding claim 6, Fu teaches, as best understood due to the 112 issues above, the device
according to Claim 1 further comprising a flash detector for determining that the command has
been received(para 0029 or 0037/0040).

Regarding claim 7, Fu teaches the device according to Claim 1 wherein the at least one

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message includes an audio message(para 0029; prerecorded message or voice synthesis).

Regarding claim 8, Fu teaches the device according to Claim 1 wherein the at least one message includes non-audio data(para 0029; email/SMS is non-audio data).

Regarding claim 9, Fu teaches the device according to Claim 1 further comprising a speakerphone unit(para 0027-0028; cell phone has speakerphone).

Regarding claim 10, Fu teaches the device according to Claim 3, wherein the controller is further arranged to establish a 3-way communication connection among the device, the monitoring center and the public safety answering point(*para 0029; 3-way connection is established when the doctor request additional patient information*).

Regarding claim 11, Fu teaches the device according to Claim 1, wherein the alarm interface includes a wireless interface(25/35 Fig.1 and para 0027-0028).

Regarding claim 13, Fu teaches the device according to Claim 1, further comprising an audio recorder(*para 0029; prerecorded message is an audio recorder*).

Regarding claim 14, Fu teaches a method for utilizing a telecommunication emergency service by a remote unit(Fig.1 and Fig.3), the method comprising the steps of:

detecting at least one alarm condition(para 0027);

automatically contacting a call center upon detection of the at least one alarm condition(para 0028);

upon receiving a command from the call center, automatically contacting the telecommunication emergency service and transmitting a stored message(para 0029).

Regarding claim 15, Fu teaches the method according to Claim 14, wherein the telecommunication emergency service is a 911 type of service(para 0029).

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Regarding claim 16, Fu teaches the method according to Claim 14, wherein the call center monitors a plurality of remote units(para 0031 and para 0027).

Regarding claim 17, Fu teaches the method according to Claim 16, wherein the plurality of remote units are associated with at least two different public safety answering points(60-70 Fig.1 and 60/70/110 of Fig.3)

Regarding claim 18, Fu teaches the method according to Claim 16, further comprising the step of establishing a 3 -way communication connection among the call center, the public safety answering point and the remote unit(*para 0029; 3-way connection is established when the doctor request additional patient information*)..

Regarding claim 19, Fu teaches the method according to Claim 14, further comprising the step of allowing a user within speaking range of the remote unit to communicate with the call center with a hands-free interface(*para 0027; Bluetooth is hands-free and within speaking distance range*).

Regarding claim 20, Fu teaches the method according to Claim 14, further comprising the step of sending a selection command to the remote unit to select a particular message to be transmitted(*para 0038; a patient is being monitored; and para 0040-monitors 20/115 sends select command to interrupt remote unit to transmit monitoring data message*).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 4 and 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Fu et al., Pub. No. US 2002/0169584 A1.

Regarding claim 4, Fu teaches the device according to Claim 2.

Fu does not expressly disclose a dual tone multiple frequency(DTMF) detector for decoding the command.

However, a DTMF detector for decoding is notoriously well known in the art.

Official Notice is taken that at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to include a DTMF detector for decoding the command of the health monitor calling 911 as taught by Fu (para 0029).

One of ordinary skill in the art would have been motivated to do so as Fu discloses 'calling 911' (para 0029) and calling using a DTMF detector was old and well-known in the art of telephony calling since this was already an established method of calling via keypad. DTMF dialing is also easy to implement for communication between systems.

Regarding claim 12, Fu teaches the device according to Claim 1.

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Fu does not expressly disclose wherein the controller is further arranged to contact at least one additional center if contact with the monitoring center cannot be established.

However, Fu discloses contacting 911 and/or doctors(para 0012-0013) which is one additional center.

Official Notice is taken that at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to include contacting at least one additional center if contact with the monitoring center cannot be established as Fu's invention discloses emergency notification based on the health of an individual.

One of ordinary skill in the art would have been motivated to do so as Fu discloses a patient requiring immediate attention and contacting appropriate emergency personnel(para 0029) therefore including contacting an additional center when the monitoring center cannot be established would have been obvious to one skilled in the art since multiple centers have already been disclosed by Fu. This would be ensure the patient's immediate attention is handled in an timely manner as Fu's invention relates.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSEPH T. PHAN whose telephone number is (571)272-7544. The examiner can normally be reached on Mon-Fri 9am-6:30pm EST, off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph T Phan/
Examiner, Art Unit 2614